

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

GLEN C. CHISAR,	)	
	)	
Petitioner,	)	
	)	
v.	)	Civil Action No. 05-218
	)	Judge Lancaster
JOHN PALAKOVICH, <i>et al.</i> ,	)	Magistrate Judge Caiazza
	)	In Re:
Respondents.	)	

**MEMORANDUM ORDER**

Glen C. Chisar's Petition for Writ of Habeas Corpus was received by the Clerk of Court on February 18, 2005, and was referred to United States Magistrate Judge Francis X. Caiazza for a Report and Recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

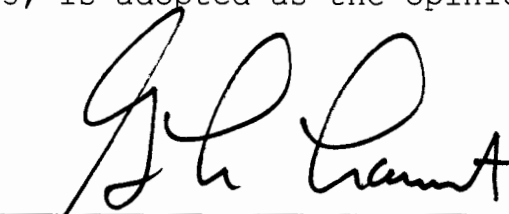
The magistrate judge's Report and Recommendation, filed on August 11, 2005, recommended that Petition for Writ of Habeas Corpus filed by Glen C. Chisar be dismissed because it was filed untimely and that a certificate of appealability be denied. The parties were allowed ten (10) days from the date of service to file objections. Service was made on the Petitioner by First Class United States Mail delivered to the State Correctional Institution at Houtzdale, Houtzdale, Pennsylvania and on the Respondents. No objections have been filed. After review of the

pleadings and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 24<sup>th</sup> day of September, 2005;

IT IS HEREBY ORDERED that the Petition for Writ of Habeas Corpus filed by Glen C. Chisar is dismissed and that a certificate of appealability is denied.

The Report and Recommendation of Magistrate Judge Caiazza, dated August 11, 2005, is adopted as the opinion of the court.

  
\_\_\_\_\_  
Gary L. Lancaster  
U.S. District Court Judge

cc:  
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